Message

From: Beck, Nancy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=168ECB5184AC44DE95A913297F353745-BECK, NANCY]
Sent: 10/13/2017 9:10:33 PM
To: Baptist, Erik [baptist.erik@epa.gov]
Subject: Fwd: Specific questions re chemical safety at EPA and Dr. Beck. Response needed by Monday at noon.

Deliberative Process / Ex. 5

Nancy B. Beck, Ph.D., DABT
Deputy Assistant Administrator, OCSPP
P: 202-564-1273
Personal Address / Ex. 6
Beck.Nancy@epa.gov

Begin forwarded message:

From: "Bowman, Liz" <Bowman.Liz@epa.gov>
Date: October 13, 2017 at 12:42:33 PM EDT
To: "Beck, Nancy" <Beck.Nancy@epa.gov>
Cc: "Wilcox, Jahan" <wilcox.jahan@epa.gov>, "Ferguson, Lincoln" <ferguson.lincoln@epa.gov>, "Konkus, John" <konkus.john@epa.gov>, "Abboud, Michael" <abboud.michael@epa.gov>, "Hewitt, James" <hewitt.james@epa.gov>
Subject: Re: Specific questions re chemical safety at EPA and Dr. Beck. Response needed by Monday at noon.

Good thanks, yes please loop in OGC

Sent from my iPhone

On Oct 13, 2017, at 12:32 PM, Beck, Nancy <Beck.Nancy@epa.gov> wrote:

> Looking at this quickly we may need some OGC review. I will keep it all high level.
>
> Nancy B. Beck, Ph.D., DABT
> Deputy Assistant Administrator, OCSPP
> P: 202-564-1273
> Personal Address / Ex. 6
> Beck.Nancy@epa.gov
>
> On Oct 13, 2017, at 11:59 AM, Bowman, Liz <Bowman.Liz@epa.gov> wrote:
>
> > Can you please send us responses to these that we can work into a response statement?
> >
> > Sent from my iPhone
> >
> > Begin forwarded message:

From: "Bowman, Liz" <Bowman.Liz@epa.gov>
Date: October 13, 2017 at 11:57:27 AM EDT
To: "Lipton, Eric" <lipton@nytimes.com>
Cc: "Beck, Nancy" <Beck.Nancy@epa.gov>
Subject: Re: Specific questions re chemical safety at EPA and Dr. Beck. Response needed by Monday at noon.

No matter how much information we give you, you would never write a fair piece. The only thing inappropriate and biased is your continued fixation on writing elitist click bait trying to attack qualified professionals committed to serving their country.

Sent from my iPhone

On Oct 13, 2017, at 11:21 AM, Lipton, Eric <lipton@nytimes.com> wrote:

Hello Liz and Dr. Beck

As you both know, we have been trying for weeks now to speak with Dr. Beck or to someone at the E.P.A. to ask questions about TSCA and also about Dr. Beck's career. You have declined to engage with us. Before we move ahead with publication of the story, I did want to send you this detailed list of questions, so that you could question here in this format any factual issues you think might have with material raised here and also fill in any information you might want to, in an effort to offer your point of view. So here are a number of very specific questions. I look forward to your response, in writing, or in a phone conversation or in person, as you prefer. We need your responses **by Monday at noon**. Our preference, as you know, would have been to speak with Dr. Beck in person to go through all this.

Please keep these questions private, although of course I know this email is subject to FOIA.

Thank you in advance for your help.

I can be reached at anytime by dialing 202 862 0448, as that rolls to my cellphone if I am away from my desk to clarify any of this or discuss it with you.

Eric

1. The Office of Water, in a May 30 memo from Michael Shapiro that we have a copy of, raised concerns about changes made the procedures for chemical risk evaluation, related to the narrowing of uses, specifically, the removal of legacy uses, arguing that this could make it harder for the EPA Office of Water to properly regulate substances like PFOA, and potential related water contamination. But the rule was still changed, against the advice of the Office of Water. Why did this happen? Is this not a legitimate concern?
2. Similarly, the General Counsel's office raised questions in a May 30

email written by Laurel Celeste, that the changes in definitions made Chemical Risk evaluation--urged by the ACC and by Nancy Beck, after she arrived at the EPA--represented a "logical outgrowth" problem that would leave the rule vulnerable to legal challenge. Why did the agency not address this? We also have this email.

3. EPA staff were told in April 2017 time frame, after there had been a consensus among staff, after the public comment period ended, that the risk evaluation and prioritization rules were in good shape, that the two rules should be moved to OIRA for sign off as is. But they were then told to wait until Nancy Beck arrived. Dr. Beck arrived and in a series of meetings, asked for a number of changes to be made in both rules, changes that echoed comments ACC and Dr. Beck herself had made when she was at ACC, regarding narrowing uses and adding more specific definitions, like best available science. Certain EPA staff involved in the process strongly objected to these changes. Dr. Beck persisted and at one point was in fact re-writing parts of the proposal rule on her own. And the changes she wanted were incorporated into the draft and sent to OIRA and then adopted as the final rule. Employees involved with this were outraged. Was this ethically appropriate to

allow Dr. Beck to play this role? Any comment on this summary of the events?

4. During this process, before the two rules were sent to OIRA, we were told that EPA staff were instructed not to issue a "non concurrence" memo. They were allowed to raise issues but instructed not to actually do a non concur. Why was this done? Is that appropriate?

5. Dr. Beck was hired in April 2017 under an administratively determined position, meaning she was exempt from the Trump ethics pledge. Was this done intentionally, so that she could intervene the way she did? Was it appropriate to give her a impartiality determination, given the intense and specific role she played in pushing the EPA on the exact rules she then helped redraft immediately after arriving at EPA?

6. When Dr. Beck worked at ORIA during the Bush administration, and the Renovation, Repair, and Painting Program Proposed Rule was moving toward final adoption, in the 2006 period, I was told by two people involved in this process that Dr. Beck raised concerns that the cardiovascular impacts associated with lead paint exposure were not sufficiently established and should be removed from the cost benefit analysis. The language in the report issued before the final rule was released reflected this

change. I am fact checking this anecdote.

7. When Dr. Beck worked at OIRA during the Bush administration, she is listed as the author and point of contact for the OMB Proposed Risk Assessment Bulletin, which proposed new technical guidance on risk assessments produced by the federal government. The proposal was withdrawn after the National Academies of Science, among others, strongly criticized the proposal as fundamentally flawed. Any comment on this?

8. One person who worked with the EPA in this period said that Dr. Beck, during the Bush administration, while at OIRA, acted like she was trying to throw "sand in the gears" to slow or block restrictions on chemicals. Any reaction to this?

9. Dr. Beck has over the years frequently been critical of the way that EPA goes about defining risk. She has talked about weaknesses in the process that she believes result in "phantom" risks or unclear or exaggerated findings regarding risk. Can you elaborate on this please?

10. Is it the goal of the EPA, during the new administration, to bring better balance and accuracy to the way the EPA handles risk assessments? Can you explain this.

11. After President Obama was elected, Bob Sussman

and Lisa Jackson went to the White House and specifically asked that OIRA no longer be allowed to "interfere" with EPA scientific assessments, pointing the blame on Dr. Beck's actions during the Bush administration. Sussman said he was given assurances that this request would be honored. Any reaction to this?

12. Dr. Beck grew up in Long Island. Can you tell me a bit about her family history? What part of Long Island? What did her parents do? Did she have an interest in science while in high school? Any details from that experience that you could share? The story discusses Dr. Beck's career and also her commitment to science. We want to make her into a real person and welcome any additional biographic details. I tried already to call almost everyone on your list you suggested. And did get some help, particularly from John Graham.

13. Dr. Beck worked at Estée Lauder from 1988 to 1990, in Melville, NY, where she helped develop preservatives used to extend the shelf life of cosmetics, and also designed laboratory tests to determine if products caused adverse reactions when applied to skin. Fact checking. Any additional description of this work you can provide?

14. During a June 1 meeting with an

environmental group to discuss the final rules for TSCA, (DCRoomEast3156 1 p.m) the discussion turned to the consideration of adding specific definitions for terms like "best available science" The environmentalists objected to this change. Dr. Beck responded by saying "I just don't understand what the big deal is." Fact checking this.

15. Staff involved in the final drafting of the risk assessment and prioritization rules said that Nancy Beck handled herself during these processes as if she was Wendy Hamnett's boss, as she seemed to be the superior, not someone who reported to Ms. Hamnett. Any reaction to that?

16. A senior EPA official who was in charge of the toxic chemicals and pesticides program has told us that she was instructed in March 2017 by Ryan Jackson to change her position on chlorpyrifos petition, and that she had wanted to approve the petition, consistent with the recommendation of EPA staff, but was overruled. Any comment on this?

17. Two EPA staff members told us that Ms. Beck has made clear that she would like to see additional research and evaluation of the proposed January 2017 actions related to methylene chloride and TCE, as she feels like the agency is not ready to move ahead with

the January 2017 recommended actions and that the recommendation needs to be reconsidered. Any comment on this?

18. An EPA staff member told us that when a conversation related to methylene chloride came up, with Dr. Beck, and concerns about deaths that have occurred during its use, Dr. Beck asked a point about whether this was a "1 percent" matter, meaning a very small percent of users, and also that the problem may be that users are not following the label that required ventilation, meaning it was perhaps a user problem, not a product flaw or product issue. Any comment on this?

19. Dr. Beck on June 8th was given an "impartiality determination" letter by Kevin S. Minoli. The memo specifically says: "Under the federal ethics regulations, you are permitted to participate in matters of general applicability (such as rulemaking) even if individual members of your former employer will be affected by that particular matter. Until now, you have recused yourself from participating personally and substantially in those comments to rulemaking that were offered by ACC. This impartiality determination confirms that you are permitted to participate in any discussions or consideration of comments

submitted by ACC to rulemaking or other matters of general applicability. You may also attend meetings at which ACC is present or represented, but only if the following conditions are met: (a) the subject matter of the discussion is a particular matter of general applicability, (b) other interested non-federal entities are present besides only ACC, and (c) you are not the only Agency official at the meeting. This authorization will remain in effect for the remainder of your cooling off period." Here is my question. I am aware that Dr. Beck participated in meeting at EPA prior to June 8 in which ACC comments on the TSCA implementation were discussed. For example, at at June 1 2017 meeting with Environmental Working Group, the discussion related to the proposed inclusion of new definitions in the final rule--a position advocated by ACC--was discussed, as was ACC's advocacy of this change. Was this a violation of the ethics rules? Any comment on this?

20. Why is it appropriate and ethical to have someone who just a few months ago was working for the ACC in a job in which she was trying to influence the outcome of the TSCA rulemaking process to now be in a position in which she is influencing as an EPA

employee the TSCA implementation effort. Please address why this is not a conflict?
21. If someone suggested that Dr. Beck's presence at the EPA could end up saving the chemical industry billions of dollars, in reduced regulatory cost, given the more balance approach to TSCA implementation she will take, what would be her reaction to this?
22. What are Dr. Beck's goals for reformed TSAC implementation?
23. Why has she committed her life to working on chemical safety?
24. Anything else you want to address?

Thank you again for taking the time to address each of these questions.

If you want to provide written answers to the questions individually or as I said above, talk through it in person or on the phone, that would be great.

Eric

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